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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,835	01/29/2004	Amd Reichert	2001P13904WOUS	8933

7590 10/04/2005

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPT.
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT PAPER NUMBER

3746

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,835

Applicant(s)

REICHERT, ARND

Examiner

William H. Rodriguez

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 is/are allowed.
- 6) ☒ Claim(s) 1, 19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A (2 pages)</u> |

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DETAILED ACTION

This office action is in response to the amendment and remarks filed 8/8/05. Since the examiner has applied new grounds of rejection, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

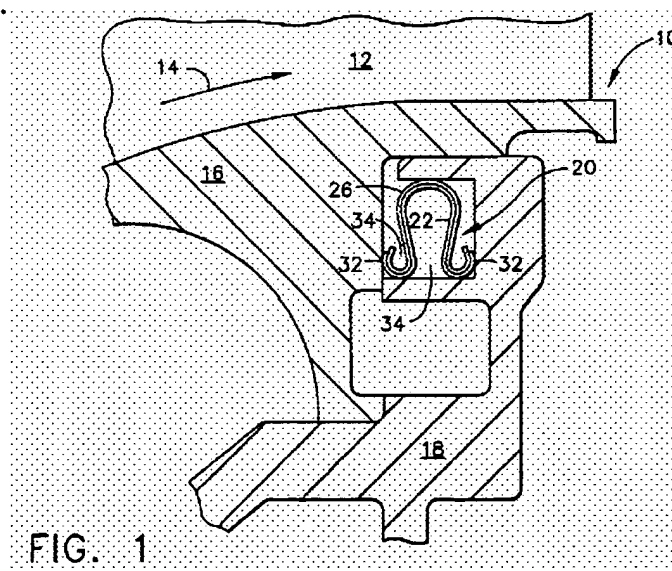
Claim Rejections - 35 USC § 102

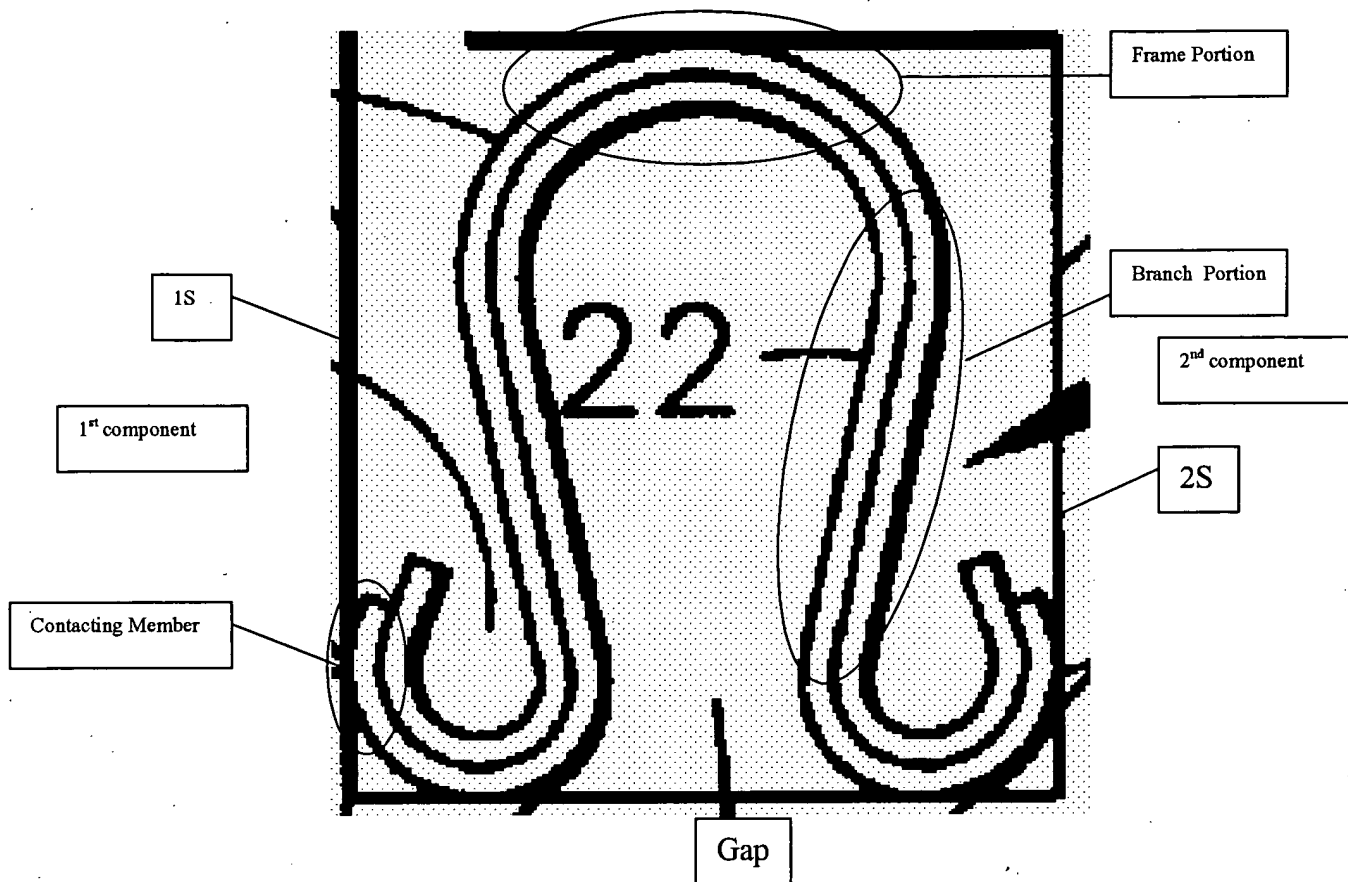
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by **Liotta (US 6,237,921)**.





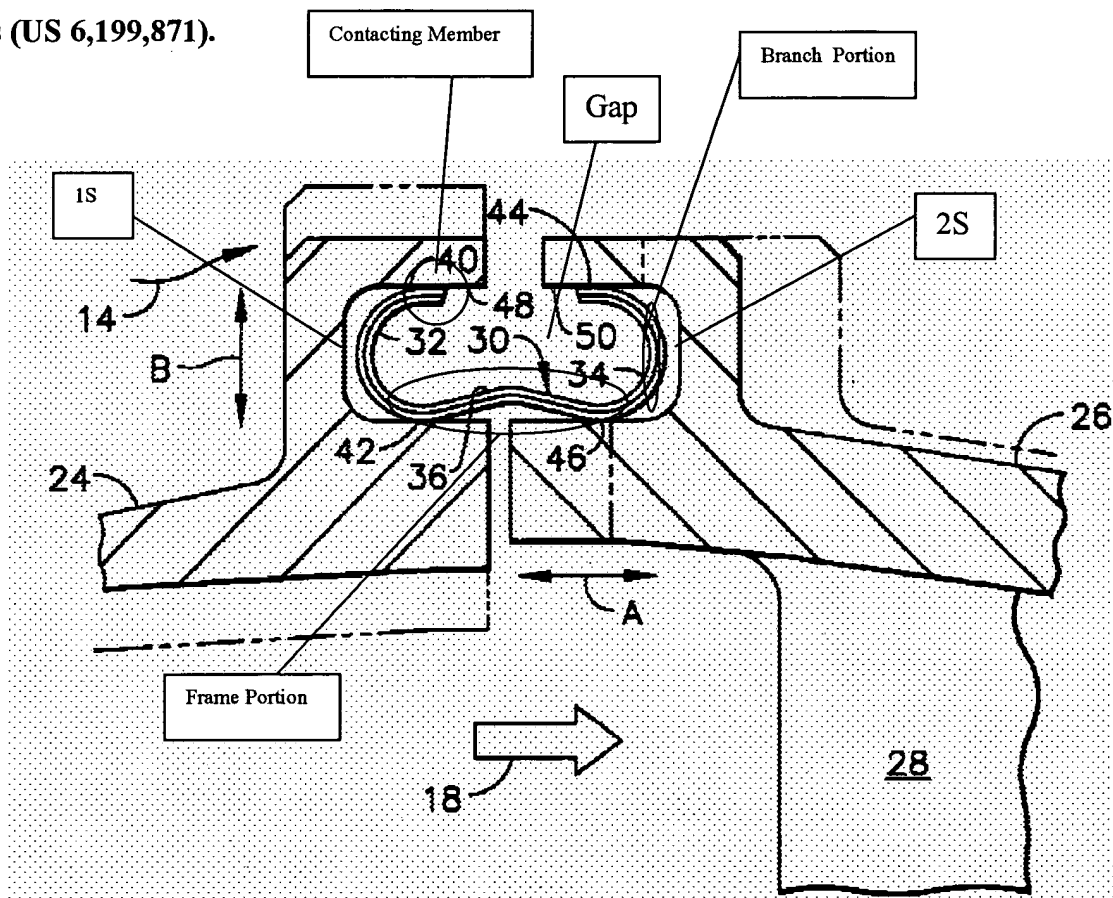
With respect to claim 1, **Liotta** teaches a seal element (20) for sealing a gap between a first component (16) and a second component (18) spaced apart from each other, said the first component having a first surface (1S) and the second component having an opposing second surface (2S), said seal element comprising: a support structure (22) having at least two contacting members and a **sealing structure (26) comprising a metallic web*** (column 3 lines 14-19) covering at least partially said the support structure, wherein each contacting member serves for putting a portion of the sealing structure in contact with one of the surfaces, and being capable of following a movement of said surface and wherein the support structure has a frame portion to which the contacting members is connected via a branch portion extending away from the frame portion. See particularly **Figure 1** of **Liotta**.

*According to the Merriam Webster's Collegiate Dictionary a web is a thin metal sheet.

Liotta does teach that the sealing structure 26 is a thin metal sheet (a metallic web).

3. Claims 1, 19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by

Lampes (US 6,199,871).



With respect to claim 1, **Lampes** teaches a seal element (30) for sealing a gap between a first component (24) and a second component (26) spaced apart from each other, said the first component having a first surface (1S) and the second component having an opposing second surface (2S), said seal element comprising: a support structure (34) having at least two contacting members and **a sealing structure (32) comprising a metallic web*** (column 3 lines 36-46) covering at least partially said the support structure, wherein each contacting member

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serves for putting a portion of the sealing structure in contact with one of the surfaces, and being capable of following a movement of said surface and wherein the support structure has a frame portion to which the contacting members is connected via a branch portion extending away from the frame portion. See particularly **Figures 1, 3, 4** of Lampes.

*According to the Merriam Webster's Collegiate Dictionary a web is a thin metal sheet. Lampes does teach that the sealing structure 32 is a thin metal sheet (a metallic web).

With respect to claim 19, **Lampes** teaches a combustion turbine comprising: a hot gas chamber (16) having a hot-gas flow region, a wall structure (22) surrounding the hot-gas flow region and comprising at least one second component (26) having a second surface (2S) directed to the hot-gas flow region, at least one first component (24) being attached to the wall structure and having a first surface 1S which is directed to the wall structure, a gap formed between the first component (24) and the second component 26, a seal element (30) for sealing said gap, the seal element comprising: a support structure (34), a sealing structure (32), **wherein the sealing structure is a sleeve*** covering at least partially the support structure, wherein the support structure comprises at least two contacting members, each contacting member puts a portion of the sealing structure in contact with one of the surfaces, and being capable of following a deformation of the surface, wherein the support structure has a frame portion to which the contacting members is connected via a branch portion extending away from said frame portion. See particularly **Figures 1, 3, 4** of Lampes.

*According to the Merriam Webster's Collegiate Dictionary a sleeve is an open-ended or closed-ended tubular part. Lampes does teach that the sealing structure 32 is a tubular part (see Figure 2).

With respect to claim 21, **Lampes** teaches that the seal element 30 comprises a curved frame portion from which the contacting members are spaced apart and each contacting member being connected to the frame portion via a branch portion. See particularly **Figure 3** of Lampes.

With respect to claim 22, **Lampes** teaches a combustion turbine comprising: a hot gas chamber (16) having a hot-gas flow region, a wall structure (22) surrounding the hot-gas flow region and comprising at least one second component (26) having a second surface (2S) directed to the hot-gas flow region, at least one first component (24) being attached to the wall structure and having a first surface 1S which is directed to the wall structure, a gap formed between the first component (24) and the second component 26, a seal element (30) for sealing said gap, the seal element comprising: a support structure (34), a sealing structure (32), wherein the sealing structure is covering at least partially the support structure, wherein the support structure comprises at least two contacting members, each contacting member puts a portion of the sealing structure in contact with one of the surfaces, and being capable of following a deformation of the surface, wherein the support structure has a frame portion to which the contacting members is connected via a branch portion extending away from said frame portion, **wherein the seal element 30 is surrounded by the sealing structure being a sleeving***. See particularly **Figures 1, 3, 4** of Lampes.

*According to the Merriam Webster's Collegiate Dictionary a sleeve is an open-ended or closed-ended tubular part. Lampes does teach that the sealing structure 32 is a tubular part (see Figure 2).

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Allowable Subject Matter

4. Claims 2-18 are allowed.

Applicant has rewritten claim 2 (containing allowable subject matter) in independent form. Thus claim 2 and its dependent claims are allowed.

Response to Arguments

5. Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive for the following reasons.

Claim 1 has been amended to include the limitation "a metallic web". Applicant has argued that Liotta does not teach that the seal structure comprises a metallic web. However, according to the Merriam Webster's Collegiate Dictionary a web is a thin metal sheet. Liotta does teach that the sealing structure 26 is a thin metal sheet (a metallic web). See particularly column 3 lines 14-19 of Liotta.

The indicated allowability of claim 22 is withdrawn in view of the new interpretation of the recitation "sleeving" in reference US 6,199,871. See detailed rejection above.

Remarks

In the response filed on 8/8/05, applicant did not provide any arguments regarding to the rejection of claim 1 by Lampes (US 6,199,871). A response to this rejection is requested in the next response.

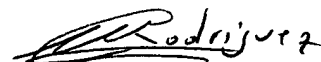
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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Rodriguez
Examiner
Art Unit 3746

10/1/05

subservient to a dominating influence 3: a device (a computer) that is directly responsive to another 4
slave *adj*
slav-ing *v* (1602) 1 *archaic*: ENSLAVE 2: to make
 2: to traffic in slaves
 1807) 1: a supervisor of slaves at work 2: a harsh

slav-höl-dar *n* (1776): an owner of slaves — **slave-**
adj or *n*
ant *v* (1817): an ant that attacks the
 of other species and carries off the larvae and pupae to
 own nest as slaves
slä-, **slä-** *v* **sla-vered**; **sla-ver-ing** *v* (1817)
 origin; akin to ON *slafra* to slave; akin to MD *slabben*
 3): DROOL, SLOBBER ~ *vt*, *archaic*: to smear with or as

saliva dribbling from the mouth
slav *n* (1827) 1 a: a person engaged in the
 a ship used in the slave trade 2: WHITE SLAYER
slä- *n* (1551) 1: DRUGGERY, TOIL 2: submission to
 influence 3 a: the state of a person who is a chattel of
 a practice of slaveholding
 809) 1: a state of the U.S. in which slavery was legal
 2: a nation subjected to totalitarian rule
 1734) traffic in slaves; esp: the buying and selling of
 prior to the American Civil War
slav *n* (1812): DRUGGE *esp*: a household
 general housework
slä- *n* (1812): a branch of the Indo-European lan-
 guage containing Belorussian, Bulgarian, Czech, Polish, Serbo-
 Croatian, Russian, and Ukrainian — see INDO-EUROPEAN LAN-

3): of, relating to, or characteristic of the Slavs or their

slav-sist, **slä-** *n* (1930): a specialist in the Slavic lan-
 guages
slä- *adj* (1565) 1 a: of or characteris-
 tic: basely or abjectly servile *b* *archaic*: DESPICABLE.
 2: OPPRESSIVE, TYRANNICAL 3: copying obsequiously or
 ality: IMITATIVE *syn* see SUBSERVIENT — **slav-ish-ly**
ness *n*

slä- *n* (1863): SLAVICIST
slä-vä-krä-se *n* (1840): a faction of slaveholders and
 every in the South before the Civil War
slä-vä-nik *adj* [NL *slavonicus*, fr. ML *Slavonia*, *Slavonia*,
 king countries, fr. *Slavus Slav*] (ca. 1645): SLAVIC
 58) 1: SLAVIC 2: OLD CHURCH SLAVONIC
slä-vä-fil, **slä-** or **Slav-o-phil** *v* (1877): an ad-
 vate; an advocate of Slavophilism
slä-vä-fä-ji-zm; **slä-vä-fä-ji-li**, **slä-** *n* (1877): advo-
 cate and specif. Russian culture over western European cul-
 ture acted among some members of the Russian intelligenc-
 19th century
 1861): COLESLAW

slä- *adj* *also esp in sense 2* **slayed**; **slain** *v* (1817); **slay-**
 fr. OE *slēan* to strike, slay; akin to OHG *slahan* to strike,
 ricken) *vt* (bef. 12c) 1: to kill violently, wantonly, or in
 a broadly: to strike down: KILL 2: to delight or amuse
 ed the audience) ~ *vi*: KILL, MURDER *syn* see KILL —

slä- (1591) *archaic*: SKEIN (sleep that knits up the
 are — Shak.)
 (summed) ME *slēven*, fr. OE *slāfan* to cut] (ca. 1628) *obs*
 silk thread) into filaments
 (1588) *obs*: floss silk that is easily separated into fila-
 ments

slä- *n* [back-formation fr. *slazy*] (1954) 1: sleazy
 urance, or behavior; also: sleazy material 2: a sleazy

bag also, **bä-** *n* (1983) *slang*: a sleazy person
slä- *n* (1981) *slang*: a sleazy person
slä- *adj* (1972) *slang*: SLEAZY

slä- *adj* **slä-z-i-er**; **-est** [origin unknown] (ca.
 lacking firmness of texture; FLIMSY *b*: carelessly made
 materials: SHODDY 2 a: marked by low character or qual-
 ity: *b*: SQUALID, DILAPIDATED (~ bars) — **slä-z-i-ly**
-slä-z-i-ness *n* (1817)

[ME *slēde*, fr. MD; akin to OE *slidan* to slide] (14c) 1
 runners for transportation esp. on snow or ice; esp: a
 le one used esp. by children for coasting down snow
 2: ROCKET SLED

slä- *n* (1706): SLEDGE ~ *vi*: to ride on a
 sled-der *n*

slä- 1 a: the use of a sled *b*: the conditions under
 use a sled 2: *slä-* (1706)

692): a dog trained to draw a sledge esp. in the Arctic
 sled also *sledge dog*

slä- [ME *slēgge*, fr. OF *slēgg*; akin to ON *slēggia* sledgeham-
 to strike — more at SLAY] (bef. 12c): SLEDGEHAMMER

slä- *n* (1654): SLEDGEHAMMER

slä- *n* (1617) 1 *Brit*
 a strong heavy sled

slä- *n* (1853) 1: to travel with a sledge 2
 in a sleigh ~ *vi*: to transport on a sledge

slä- *n* (1815): a large heavy hammer that
 both hands; also: something that resembles a sledge-

slä- *n* (1834): to strike with or as if with a sledgehammer
 blows with or as if with a sledgehammer

slä- *adj* (1843): marked by heavy-handed directness or
 force (trusting in ~ warfare — C. J. Rolo)

slä- *v* [ME *slēken*, alter. of *slīken* — more at SLICK] *vi* (15c)
 1: SLICK (grooms ~ing cooled horses — Sunset) 2: to cover up
 gloss over ~ *vi*: SLICK

slä- *adj* [alter. of *slīck*] (1589) 1 a: smooth and glossy as if pol-
 ished (~ dark hair) *b*: having a smooth well-groomed look (~ cat-
 tie) *c*: healthy-looking 2: smooth in speech or manner; also: UNC-
 TUOUS 3 a: having a prosperous air (a ~ apartment building with a
 pool on the roof) *b*: having trim graceful lines (a ~ car) *c*: ELE-
 GANT, STYLISH (~ restaurants) — **slä-** *adv* — **slä-** *n*

syn SLEEK, SLICK, GLOSSY mean having a smooth bright surface or ap-
 pearance. SLEEK suggests a smoothness or brightness resulting from
 attentive grooming or physical conditioning (a sleek racehorse). SLICK
 suggests extreme smoothness that results in a slippery surface (slipped
 and fell on the slick floor). GLOSSY suggests a highly reflective surface
 (photographs having a glossy finish).

slä- *n* (1621): to make sleek

slä- *adj* [Sc. fr. pp. of *slēek*] (1513) 1 chiefly Scot
 SLEEK, SMOOTH 2 chiefly Scot: CRAFTY, DECEITFUL

slä- *n* [ME *slēp*, fr. OE *slēp*; akin to OHG *slāf* sleep and
 perh. to L *labi* to slip, slide] (bef. 12c) 1: the natural periodic suspen-
 sion of consciousness during which the powers of the body are restored
 2: a state resembling sleep; as a: a state of torpid inactivity *b*
 DEATH (put a pet cat to ~); also: TRANCE, COMA *c*: the closing of
 leaves or petals *esp*, at night *d*: a state marked by a diminution of
 feeling followed by tingling (my foot's gone to ~) *e*: the state of an
 animal during hibernation 3 a: a period spent sleeping *b*: NIGHT
c: a day's journey — **slä-** *adj*

slä- *v* (1827) 1: to rest in a state of
 sleep 2: to be in a state (as of quiescence or death) resembling sleep
 3: to have sexual relations — usu. used with *with* ~ *vi* 1: to be
 slumbering in (the sleep of the dead) 2: to get rid of or spend in
 or by sleep (~ away the hours) (~ off a drunk) 3: to provide sleep-
 ing accommodations for (the boat ~s six)

slä- *v* (1928): to engage in sex promiscuously

slä- *n* (12c) 1: one that sleeps 2: a piece of timber,
 stone, or steel on or near the ground to support a superstructure, keep
 railroad rails in place, or receive floor joists: STRINGPIECE 3: SLEEP-
 ING CAR 4: someone or something unpromising or unnoticed that
 suddenly attains prominence or value (the low-budget film became the
 summer's ~) 5: children's pajamas usu. with feet — usu. used in pl.
 6 chiefly Brit: a small earring or stud worn to keep the hole of a
 pierced ear from closing 7: MOLE 4

slä- *adj* (1951): that lives at the place of employment
 (a ~ maid)

slä- *n* (1827) 1: to sleep where one is employed 2 a: OVER-
 SLEEP *b*: to sleep late intentionally

sleeping bag *n* (1850): a bag that is warmly lined or padded for sleep-
 ing outdoors or in a camp or tent

Sleeping Beauty *n*: a princess of a fairy tale who is awakened from an
 enchanted sleep by the kiss of a prince

sleeping car *n* (1839): a railroad passenger car having berths for
 sleeping

sleeping partner *n* (ca. 1785) chiefly Brit: SILENT PARTNER

sleeping pill *n* (1664): a drug and esp. a barbiturate that is taken as a
 tablet or capsule to induce sleep — called also *sleeping tablet*

sleeping porch *n* (1915): a porch or room having open sides or many
 windows arranged to permit sleeping in the open air

sleeping sickness *n* (1875) 1: a serious disease that is prevalent in
 much of tropical Africa, is marked by fever, protracted lethargy, trem-
 ors, and loss of weight, is caused by either of two trypanosomes
 (*Trypanosoma brucei gambiense* and *T. b. rhodesiense*), and is transmit-
 ted by tsetse flies 2: any of various viral encephalitis or enceph-
 alomyelitis of which lethargy or somnolence is a prominent feature
sleep-less *adj* (15c) 1: not able to sleep (lay ~ with fever)
 2: affording no sleep (~ nights) 3: unceasingly active or operative
 (~ casinos) — **sleep-less-ly** *adv* — **sleep-less-ness *n***

sleep out *vi* (1908): to sleep outdoors

sleep-over *n* (1965) 1: an overnight stay (as at another's
 home) 2: an instance of hosting a sleepover in one's home

sleep-walk-er *n* (1747): one that walks while or as if
 while asleep: SOMNAMBULIST — **sleep-walk** *v*, *walk* *vi* or *n*

sleep-wear *n*, *wear* *n* (1935): NIGHTCLOTHES

sleepy *adj* **sleep-i-er**; **-est** (13c) 1 a: ready to fall asleep
 b: of, relating to, or characteristic of sleep 2: sluggish as if from
 sleep: LETHARGIC; also: having little activity (a ~ coastal village) 3

sleep-inducing — **sleep-i-ly** *adv* — **sleep-i-ness** *n* (1817)

sleepy-head *n* (1577): a sleepy person

slä- *n* [ME *slēte*; akin to MHG *slöz* hailstone] (13c): frozen or
 partly frozen rain — **slä-** *adj*

slä- *vi* (14c): to shower slä-

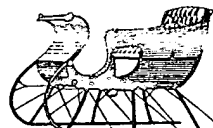
sleeve *n* [ME *slēve*, fr. OE *slēve*; perh. akin to OE *slēfan* to slip
 (clothes) on, *slāpan* to slip, OHG *slōfan*, L *lubricus* slippery] (bef. 12c)

1 a: a part of a garment covering an arm *b*: SLEEVELET 2 a: a
 tubular part (as a hollow axle or a bushing) designed to fit over another
 part *b*: an open-ended flat or tubular
 packaging or cover; esp: JACKET 3c(2)

slä- *adj* — up one's sleeve
 held secretly in reserve

sleeve-let *n* (1889): a cover-
 ing for the forearm to protect clothing
 from wear or dirt

sleigh *n* [D *slēe*, alter. of *slēde*;
 akin to MD *slēdde* sled] (1703): an
 open usu. horse-drawn vehicle with
 runners for use on snow or ice



sleigh

v about *v* kitten, F table *v* further *v* ash *v* ace *v* mop, mar
v aut *v* ch *v* chin *v* bet *v* easy *v* go *v* hit *v* ice *v* job
v sing *v* go *v* law *v* boy *v* thin *v* the *v* loot *v* foot
v yet *v* vision *v* k, æ, œ, u, ē, ū see Guide to Pronunciation

weasel 1

...vane n (ca. 1721): VANE la

\ə\ about \k\ kitten, F table \ər\ further \ə\ ash \ā\ ace \ə\ mop, mar
 \aʊ\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \ī\ ice \j\ job
 \ŋ\ sing \ō\ go \ō\ law \oi\ boy \th\ thin \t\ the \ū\ foot \ū\ foot

\ɒ\ about \ʌ\ kitten, F table \ɔː\ further \ə\ ash \ā\ ace \ā\ mop, mar
 \aʊ\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \ī\ ice \j\ job
 \ŋ\ sing \ō\ go \ō\ law \ōi\ boy \th\ thin \t̥h\ the \ū\ foot \ù\ foot
 \y\ yet \zh\ vision \ā, k, °, æ, œ, ʌ, ʊ see Guide to Pronunciation

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